

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

Francisco Arcibal,

Plaintiff,

Case No. 2:22-cv-01984-JAD-BNW

V.

Barbara Schifalacqua, et al.,

Defendants.

REPORT AND RECOMMENDATION

The Court previously screened Plaintiff's complaint, dismissed Plaintiff's complaint without prejudice, and ordered Plaintiff to file an amended complaint (if he so chose). *See* ECF No. 6. Plaintiff was given until January 15, 2023 to amend his complaint. *Id.* at 4. The Court advised Plaintiff that if he did not file an amended complaint by this date, the Court would recommend that this case be dismissed. *Id.* Plaintiff subsequently filed a motion for an extension of time to file his amended complaint. ECF No. 11. The Court granted this motion and gave Plaintiff until February 3, 2023 to file his amended complaint. ECF No. 14. Since this order, however, Plaintiff has not filed anything in his case. Accordingly, he appears to have abandoned his case.

IT IS THEREFORE RECOMMENDED that Plaintiff's case be dismissed without prejudice and this case closed.

IT IS FURTHER RECOMMENDED that Plaintiff's motion for a preliminary injunction (ECF No. 4) and Plaintiff's motion to proceed *in forma pauperis* (ECF No. 8) be DENIED as moot.

NOTICE

This report and recommendation is submitted to the United States district judge assigned to this case under 28 U.S.C. § 636(b)(1). A party who objects to this report and recommendation may file a written objection supported by points and authorities within fourteen days of being

1 served with this report and recommendation. Local Rule IB 3-2(a). Failure to file a timely
2 objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951 F.2d 1153,
3 1157 (9th Cir. 1991).

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5 DATED: February 21, 2023

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7 BRENDA WEKSLER
8 UNITED STATES MAGISTRATE JUDGE

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